THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION Nos: 3212 to 3214 of 2002

W.P.No.3212 of 2002

Between:

P.Mannem, s/o.Nsagaiah.

..... PETITIONER

AND

The Commissioner and Director of Municipal Administration and others.

.....RESPONDENTS

W.P.No.3213 of 2002

Between:

Chennaiah, S/o.Venkanna.

..... PETITIONER

AND

The Commissioner and Director of Municipal Administration and others.

.....RESPONDENTS

W.P.No.3214 of 2002

Between:

K.Venkatamma.

..... PETITIONER

AND

The Commissioner and Director of Municipal Administration and others.

.....RESPONDENTS

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COMMON ORDER:

By order in W.P.Nos.3212 to 3214 of 2002, dated 20-09-2005, this court held that in the absence of any evidence on record to show that the petitioners had worked continuously for 240 days, the award of the Tribunal, dismissing the claim of the petitioners, was justified and was required to be upheld. Sri P.Raghavender Reddy, learned counsel for the petitioners, had contended that several persons juniors to the petitioners had been regularized including one Smt.Kashamma and that the records with regards their appointment, filed in I.D.No.82 of 2001 and batch before the Labour Court III, Hyderabad, would clearly show that the petitioners had worked for more than 240 days. This court also took note of the fact that the then

Commissioner, Mahaboobnagar Municipality, as MW.1, had deposed before the Industrial Tribunal on 29-01-2000, that the muster rolls of N.M.Rs., during the said period, were destroyed after a lapse of one year and that the records were not available except the attendance registers. Since the contention of Sri P.Raghavender Reddy that the records were available in I.D.No.82 of 2001, if true, would amount to the Commissioner having deposed falsely before the Tribunal, this court directed the Presiding Officer, Labour Court-III, Hyderabad, with whom the records in I.D.No.82 of 2002 were said to be available, to verify and submit a report.

The learned Presiding Officer in his report, submitted on 15-11-2005, stated that in Exs.M-2 to M-6, the name of Chennaiah, S/o.Venkanna was found, that while the name of Kothoori Venkatamma, W/o.Venkataiah was not found, the registers recorded the name of Venkatamma, W/o.Venkataiah.

The petitioners had filed applications to have the records summoned and despite directions from the Tribunal, the records were not produced and the then Commissioner had deposed falsely that the records had been destroyed. The report of the learned Presiding Officer makes it clear that all these records were in fact available and it was only on account of the false deposition of the then Commissioner, Mahboobnagar Municipality and on failure to produce the records, despite an order of the Tribunal to do so, was the contention of the petitioners herein rejected. Since the records are now available with the Labour Court-III, Hyderabad. It is just and necessary that the matter be remanded to the Industrial Tribunal-I, Hyderabad, to decide the dispute on the basis of the available records. The Labour Court-III, Hyderabad, before whom the records are available in I.D.No.82 of 2002, shall transmit the relevant records to the Presiding Officer, Industrial Tribunal-I, Hyderabad. The Industrial Tribunal-I, Hyderabad shall, after hearing both parties and permitting them to adduce evidence on the basis of the records so transmitted, pass an award afresh.

Since the dispute relates to the year 1999, it is necessary that the Tribunal shall give priority to the dispute and pass an award as expeditiously as possible, in any event not later than four months from the date of receipt of a copy of this order.

Needless to state that the false deposition of the then Commissioner necessitates disciplinary action being taken against him, since not only has the precious time of the Industrial Tribunal but also that of this court been spent in adjudicating this dispute. It is solely on account of the false deposition of the then Commissioner that the records, though available, were not produced before and could therefore not be examined by the Tribunal. The consequence thereof is not for this court to decide and is for the Tribunal to examine. Nothing further need be said in the matter. It must, however, be emphasized that the then Commissioner, who has interfered with administration of justice, is required to be severely dealt with. The first respondent shall take necessary disciplinary action against the then Commissioner, Mahaboobnagar Municipality for having deposed falsely, before the Industrial Tribunal-I, Hyderabad.

In view of what has been stated supra, the awards in I.D.Nos.106, 109 and 111 of 99 are set aside. The matter is remanded to the Industrial Tribunal-I to adjudicate the dispute in accordance with law and in terms of the directions above stated. The Tribunal shall pass an award, without in any manner being influenced by the observations made by this court on merits either in the earlier order dated 20-09-2005 or in the order now passed.

The writ petitions are accordingly disposed of. No order as to costs.

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07-02-2006

Prv